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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------------|------------------|
| 10/825,998 | 04/15/2004 | Justin W. Matheson | 62131/03-790 | 9218 |
| 22206 7590 03/14/2007 FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318 | | | EXAMINER GUIDOTTI, LAURA COLE | |
| | | | ART UNIT 1744 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 03/14/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/825,998 | Applicant(s) MATHESON, JUSTIN W. | |
| | Examiner Laura C. Guidotti | Art Unit 1744 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>04152004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: hook "230" (Paragraph 29 Line 2). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 1744

2. Claims 1, 3-5, 8, 12, 16, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen, US 6,453,503.

Chen discloses the claimed invention including an elongate handle (14), the handle having an upper and a lower end (upper end is leftmost end as shown in Figure 2 and lower end is rightmost end as shown in Figure 2), a forward side and a rearward side (the forward side is uppermost side in Figure 2, and bottom side is the rearward side), and a periphery (Figure 2), wherein at least the lower end is adapted for grasping (Column 2 Lines 18-19), the upper end of the handle having a slot (46), the slot having a terminus that extends to the periphery of the handle upper end (see Figures 2 and 4), wherein the handle has at least one retaining slit therein (such as 47), the at least one retaining slit being proximate to the slot (Figure 2 and 4) and having a terminus that extends to the periphery of the handle upper end (see Figures 2 and 4), and a porous scrubbing material (12) having an attaching cord affixed thereto (16), whereby the cord is adapted to pass through the slot and engage the retaining slit (see Figures 3, 5, 6) (claims 1, 16). Regarding claims 3 and 18, the cord is capable of being removably attached to the scrubbing material (see Figures). Regarding claims 4 and 18, the scrubbing material is a mesh netting (see Figures; Column 2 Lines 3-6). Regarding claims 5 and 19, the upper end of the handle is outwardly flared at its terminus (see Figure 2). Regarding claim 8, there is a plurality of retaining slits (see Figure 2). Regarding claim 12, wherein at least one of the retaining slits is formed in the upper end of the handle at a shoulder of the outwardly flaring terminus of the handle (as shown in Figures 2 and 4).

Art Unit: 1744

3. Claims 1-2, 5, 7, 16-17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hillman, US 6,689,224.

Hillman discloses the claimed invention including an elongate handle (12), the handle having an upper and a lower end (upper end is rightmost end as shown in Figure 2 and lower end is leftmost end as shown in Figure 2), a forward side and a rearward side (the forward side is uppermost side in Figure 1, and bottom side is the rearward side), and a periphery (see Figure 2), wherein at least the lower end is adapted for grasping (Column 2 Lines 20-21), the upper end of the handle having a slot (22), the slot having a terminus that extends to the periphery of the handle upper end (see Figure 2), wherein the handle has at least one retaining slit therein (20), the at least one retaining slit being proximate to the slot (Figure 2) and having a terminus that extends to the periphery of the handle upper end (see Figure 2), and a porous scrubbing material (26; Column 2 Lines 43-44) having an attaching cord affixed thereto (24, elastic band; Column 2 Lines 40-42), whereby the cord is adapted to pass through the slot and engage the retaining slit (Column 2 Lines 37-41) (claims 1, 16). Regarding claims 2 and 17, the cord is an elastic band (Column 2 Lines 40-42). Regarding claims 5 and 19, the upper end of the handle is outwardly flared at its terminus (see Figure 2). Regarding claim 7, the at least one retaining slit is oriented to be substantially parallel to the slot (Figure 2).

4. Claims 1-5, 7-8, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Weaver, US 3,571,837.

Weaver discloses the claimed invention including an elongate handle (10), the handle having an upper and a lower end (upper end is leftmost end as shown in Figure 1 and lower end is rightmost end as shown in Figure 1), a forward side and a rearward side (the forward side is uppermost side in Figure 2, and bottom side is the rearward side), and a periphery (see Figure 1), wherein at least the lower end is adapted for grasping (Column 1 Line 35), the upper end of the handle having a slot (unlabeled, see Figures 1 and 3), the slot having a terminus that extends to the periphery of the handle upper end (see Figure 1 and 3), wherein the handle has at least one retaining slit therein (also unlabeled, see Figures 1 and 3), the at least one retaining slit being proximate to the slot (Figures 1 and 3) and having a terminus that extends to the periphery of the handle upper end (see Figures), and a porous scrubbing material (17) having an attaching cord affixed thereto (15, elastic band; Column 2 Line 2), whereby the cord is adapted to pass through the slot and engage the retaining slit (as shown in Figures 1 and 3) (claims 1, 16). Regarding claims 2 and 17, the cord is an elastic band (Column 2 Line 2). Regarding claims 3 and 18, the cord is capable of being removably attached to the scrubbing material (see Figures). Regarding claims 4 and 18, the scrubbing material is a washcloth (Column 2 Line 5). Regarding claims 5 and 19, the upper end of the handle is outwardly flared at its terminus (see Figure 2). Regarding claim 7, the at least one retaining slit is oriented to be substantially parallel to the slot (as shown in Figures 1 and 3). Regarding claim 8, there is a plurality of retaining slits (unlabeled, shown in Figures 1 and 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, US 6,453,503 as applied to claim 1, in view of Stenner, US 5,182,838.

Chen discloses the claimed invention including all elements mentioned above, however does not include that at least one of the retaining slits has a left interior face having a left central ridge extending outwardly and a right interior face having a right central ridge extending outwardly therefrom, the left and right ridges being in alignment with and opposing each other providing a raised surface.

Stenner teaches a device that has a retaining slit (50) that engages an attaching cord, such as a shoelace (30a, 30b) in order to non-permanently grip a cord in place (Abstract). The slit of Stenner has a left interior face having a left central ridge extending outwardly and a right interior face having a right central ridge extending outwardly therefrom (as shown in Figures 2A, 2B, 3A, 4A, 5A, 6), the left and right ridges being in alignment with and opposing each other providing a raised surface (again, as shown in Figures 2A, 2B, 3A, 4A, 5A, 6) along which the cord may be moved (Column 2 Lines 22-29). In addition, the retaining slit is lined with a non-skid material such as rubber (Figure 7; Column 6 Lines 14-24) in order to increase the surface friction and durability of the slit sidewalls (Column 6 Lines 14-20).

It would have been obvious for one of ordinary skill in the art to modify the retaining slit(s) of Chen to further include left and right central ridges as well as being lined with a non-skid material, as Stenner teaches, so that the cord can be releasably locked or held into place with increased surface friction in the retaining slit so that the cord does not easily unfasten from the elongate handle.

6. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, US 6,453,503 as applied to claim 1, in view of Chang, US 6,370,723.

Chen discloses the claimed invention including all elements mentioned above, however does not include a rearward side of the handle having at least one massage boss thereon.

Chang teaches a scrubbing device that a handle (12) that has a rearward side having at least one massage boss thereon (45; see Figures 1-4 particularly) so that a user can both clean with a porous scrubbing material (14) and massage the body using the same cleaning tool (Column 2 Lines 61-63, Column 3 Lines 30-35).

It would have been obvious for one of ordinary skill in the art to modify the rearward side of the handle of the scrubbing device of Chen by including at least one massage boss, as Chang teaches, so that a user may use the same bathing and scrubbing equipment to also massage the body of the user.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, US 6,453,503 as applied to claim 1, in view of Borchers et al., US 6,510,577.

Art Unit: 1744

Chen discloses the claimed invention including all elements mentioned above, however does not include at least a portion of the handle being covered with an exfoliation mat.

Borcherds et al. teach a scrubbing device having both a handle (52) and porous scrubbing material (12) wherein a portion of the handle is covered with an exfoliation mat (46; see Figures 12-13). The device of Borcherds et al. uses a device having both porous scrubbing material and an exfoliation mat so that a user can better exfoliate and remove dead cells from the skin while also maintaining a lather of soap (Column 1 Lines 17-31, Column 2 Lines 10-19).

It would have been obvious for one of ordinary skill in the art to modify the handle of Chen to further include at least a portion of the handle being covered with an exfoliation mat, as Borcherds et al. teach, so that a user may simultaneously use an exfoliation mat to remove dead skin cells while retaining a lather of soap with the porous scrubbing material to effectively clean the skin.

8. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, US 6,453,503 as applied to claims 1 and 16 respectively, in view of Sabo, US D156,039.

Chen discloses the claimed invention including all elements mentioned above, however does not include that each of the two retaining slits has a different width.

Sabo teaches a holder for a porous scrubbing device wherein the retaining slits (unlabeled, shown in Figure 1) each have a different width (Figure 1).

It would have been obvious for one of ordinary skill in the art to modify the widths of the two retaining slits of Chen to each have a different width, as Sabo teaches, so that a user would be capable of employing a cord of any desired or convenient width.

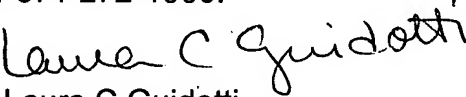
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laura C Guidotti
Patent Examiner
Art Unit 1744

lcg